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By: 
Peter K. Trzyna (Reg. No. 32,601)

Date: January 23, 2007

PATENT

Paper No.

File: Blind Gift

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JAN 23 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : EWING, Christopher
Serial No. : 09/295,230
Filed : 19 April 1999
For : BLIND GIFT METHOD AND SYSTEM
Group Art Unit : 3639
Examiner : DIXON, Thomas A.

MS. No Fee Amendment
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF PROFESSOR LEE A. HOLLAAR

S I R:

1. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.
2. I have personal knowledge of the subject matter of this declaration, and if called as a witness, would testify thereto.
3. My name is Lee A. Hollaar. I am a Professor of Computer Science in the School of Computing at the University of Utah, where I have been a faculty member since 1980. Prior to that, I was a faculty member at the University of Illinois at Urbana-

Champaign. I received my Ph.D. in Computer Science from the University of Illinois at Urbana-Champaign in 1975. I am also a Registered Patent Agent.

4. As a professor at the Universities of Illinois and Utah, I have taught courses in, among other things, patent law and electronic commerce.
5. I have reviewed the claims as amended by the applicant's filing of December 7, 2006, and in particular independent claims 1 and 19.
6. Independent claim 1 has been amended to require that the claimed method must be "devoid of revealing a non-pseudonymous name of one of said parties to another of the parties". Independent claim 19 has been amended to require that the "enabling is devoid of revealing a non-pseudonymous name corresponding to said first party to said second part and devoid of revealing a non-pseudonymous name of said second party to said first party."
7. The New Oxford American Dictionary (2nd Ed. 2005) defines "devoid" as "entirely lacking or free from." See also Webster's II New Riverside University Dictionary (1984): "completely lacking." Copies of those definitions are attached to this declaration.
8. The importance of this limitation to the fundamental nature of the invention of the present application can be seen in the depth of teaching in the specification of how this can be accomplished, and particularly ways of minimizing human intervention with the chance that such information may be inadvertently revealed.
9. I have also reviewed the references discussed by the examiner in the Office Action mailed on June 7, 2006: Bezos (now United States Patent 7,006,989), Walker (United States Patent 6,330,544), and Oneda (United States Patent 5,965,860). I have particularly considered the portions of those patents specifically cited by the examiner.

10. Bezos addresses the problem of delivering a gift when only partial information about the intended recipient of the gift (such as an email address or phone number) is known by the giver of the gift. There is no indication in any manner that it might be important to keep information about one party from the other party.
11. As noted by the examiner, Walker teaches "charging after confirmation of receipt of a gift" and Oneda teaches "a membership management system that charges a membership fee."
12. I have found nothing in those references that teaches, discloses, or even suggests "determining, over the Internet, whether said second party would accept the gift." This is an element of independent claim 1, as now amended, and therefore all the claims that depend on claim 1. Not hearing from a possible recipient is not the same as determining whether that person would accept a gift, since there are a variety of reasons why a response isn't given, including that the person is on vacation. Claim 1, as written, requires an accurate determination, not a guess.
13. I have found nothing in those references that teaches, discloses, or even suggests the necessity or even the desirability of a method which is "devoid of revealing a non-pseudonymous name of one of said parties to another of the parties." This is an element of independent claim 1, as now amended, and therefore all the claims that depend on claim 1. In fact, there is nothing that mentions any possible importance in not revealing such information, and certainly no teaching how that might be achieved with limited human interaction or to prevent inadvertent disclosure.
14. I have found nothing in those references that teaches, discloses, or even suggests the necessity or even the desirability of a "web site enabling a first party to send a gift to a second party, wherein the enabling is devoid of revealing a non-pseudonymous name corresponding to said first party and devoid of revealing a non-pseudonymous name of said second party to said first party." This is an element of independent

claim 19, as now amended, and therefore all the claims which depend on claim 19.

In fact, there is nothing that mentions any possible importance in not revealing such information, and certainly no teaching how that might be achieved with limited human interaction or to prevent inadvertent disclosure.

15. Furthermore, I have found nothing in those references that provides any motivation to combine the references in any way that reaches the claimed invention. The only motivation to go beyond the teaching of those references to arrive at a method or system that is devoid of revealing information about one part to the other in the record is the present application.
16. Based on the information above, it is my opinion that the invention of the present application is neither anticipated nor obvious in light of the prior art cited by the examiner, and is entitled to a United States patent.



Lee A. Hollaar, Ph.D.